



STANDARDS FOR

PRIVATE USE OF PUBLIC SPACES

A DOWNTOWN RALEIGH URBAN DESIGN HANDBOOK

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I OVERVIEW

A. INTRODUCTION

This handbook provides a framework for private use of the **public space*** in Downtown Raleigh. It outlines basic procedures and standards for approving a variety of private uses of sidewalks and other public rights-of-way spaces, toward creating an active, accessible, and vibrant urban environment. In doing so, it also recognizes the inherent relationship between the vitality of private property and the increased economic and pedestrian activities of the street. The handbook assists individuals interested in generating on-street activity achieve their goals quickly and easily.

B. BACKGROUND

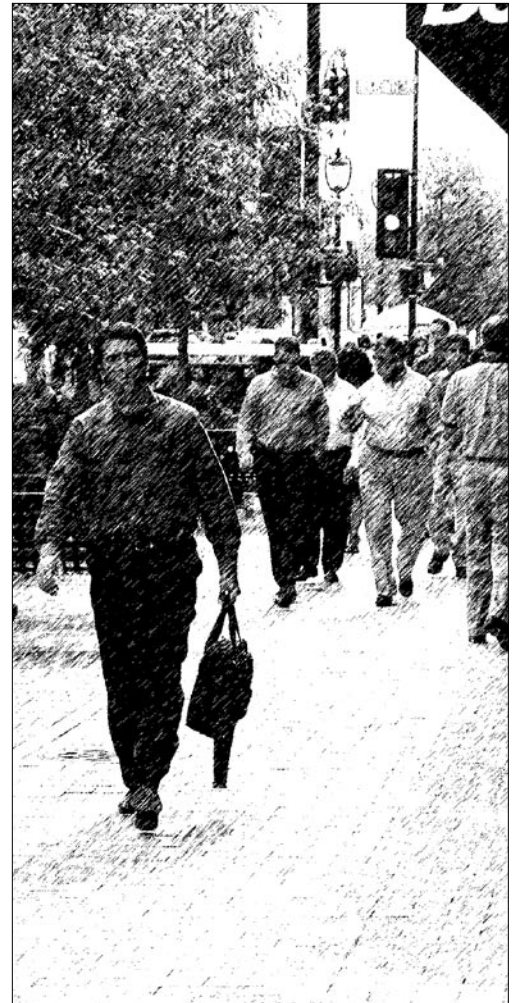
The handbook is an outgrowth of the City's "Livable Streets" plan, a community-based plan for the reinvigoration of Raleigh's core. Livable Streets outlined five essential objectives to be achieved by 2007. This handbook relates to four:

1. Expand downtown management to take a one stop approach to management and advocacy.
2. Improve the pedestrian environment making downtown accessible to everyone. Balance the needs of pedestrians against those of the car. Create an attractive, well lit, safe environment that links office and residential uses to amenities such as restaurants, museums and other venues.
3. Complete a Fayetteville Street Renaissance to reinvigorate the street as the heart of Raleigh, our ceremonial corridor and the premiere address for office, events and cultural activity.
4. Undertake regulatory reform to improve the business climate by removing regulatory impediments, making it just as easy to do business downtown as any place in the region.

In December 2004, the Raleigh City Council adopted new project approval standards for the center of the City. The Downtown Overlay District (DOD) simplifies earlier layers of regulation by combining previously established overlay districts into one set of standards.

This handbook complements that initiative, focusing on the public spaces within the Downtown Overlay District and three adjacent Pedestrian Business Overlay Districts. It outlines basic procedures and standards for approving a variety of street level activities.

** Throughout this document, words defined in the Glossary are shown in **lower case boldface type**. See Appendix Section 3.*





C. OBJECTIVES

The overall goal of these standards and procedures is to promote a vibrant, engaging, and attractive downtown. They do so by pursuing the following objectives for:

STANDARDS:

- To provide fair and equitable regulation.
- To assure a safe and comfortable street-level environment.
- To promote economic and pedestrian activities in Downtown.
- To establish maintenance standards and responsibilities when public space is used for private purposes.
- To enhance the appearance of streets, sidewalks and other public spaces.

PROCEDURES:

- To provide a one-stop shop for obtaining permits for use of public rights-of-way spaces.
- To encourage diverse street-level activity.
- To make it convenient to do business in public spaces.
- To make it easier to obtain information on procedures and standards regarding use of public spaces.

D. PERMITTING OVERVIEW

I. AREA

The standards and procedures outlined in this document apply to all areas within the Downtown Overlay District (DOD), and three adjacent Pedestrian Business Overlay Districts—Glenwood South, the North Person Street retail area (Oakwood-Mordecai), and the Peace Street retail area. For lots at corners of Salisbury and Wilmington Streets and intersecting cross-streets, the regulations apply around the corner of the intersecting street, to as deep along Salisbury or Wilmington as the edge of the individual lot for which the permit is requested. This special treatment is consistent with another of the “5 in 5” goals of the Livable Streets initiative: to “complete a Fayetteville Street Renaissance.” The standards seek to build on the sense of place established by the Street’s recent redesign, enlisting public spaces to foster new civic and economic activity in the downtown core.

2. APPLICABILITY

These standards apply to newsracks, outdoor dining, street performances, pushcart vending, mail drop-off boxes, and certain minor encroachments, including outdoor merchandise, street furniture and accessories, awnings, lighting, signage, and Façade Grant elements (see Glossary Section 6).

The standards and procedures outlined in this handbook do not apply to the following activities: special events, street closings, public parks, and Major Encroachments, that are handled separately by the designated City Department, Division, or Agency. For information regarding these exempt uses, please contact the following:

Special events:	832-1231
Temporary street closings:	890-3040
Public parks:	831-6640 ext. 6854
Major encroachments:	516-2559

3. RESPONSIBILITIES OF PERMIT HOLDERS

Any person, who maintains a business location within the City limits or, either personally or through agents, solicits business within the city, or picks up and/or delivers goods or services within the City limits, is required to pay the City's Business License Tax unless specifically exempted by Federal or State or Local ordinance. If a company or individual is engaged in more than one type of business activity within the city, a separate license may be required for each type of business activity. A separate license is required for each business location in the City limits (*Sec. 2-2011*). In addition, all private uses of public spaces require a valid City of Raleigh permit approving the specific use. See Appendix Sections 1 and 2 for permit fees and staff contact information.

Please Note:

- Business Licenses are valid for one year (July 1st - June 30th) and expire on June 30th.
- Established businesses requesting permits for use of public spaces may produce a copy of the active Business License and Proof of Insurance, if the proposed use is an extension of the operating business and on the same premise.
- Business owners requesting multiple minor encroachment permits for use of public space at one location, for one business, can use one Proof of Insurance to cover all minor encroachment requests as long as the City is additionally insured under the policy.
- Individual publishers or distributors requesting permits for use of public spaces may produce a single copy of the valid Business License and the Proof of Insurance for placing newsracks in multiple locations.

Additional responsibilities of permit holders include:

Permit Validity & Renewals

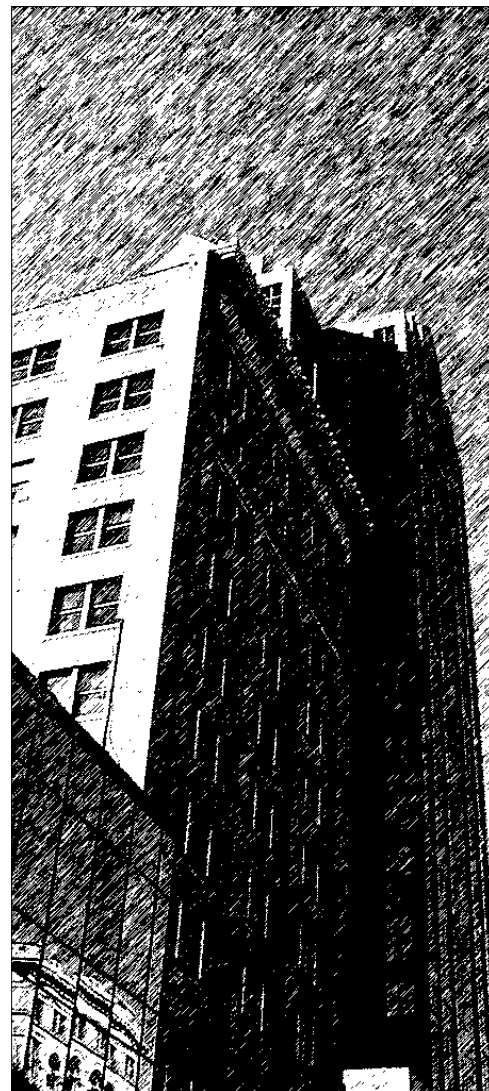
Permits are valid for one year (July 1st – June 30th) and expire on June 30th, except for **minor encroachments** (with the exception of outdoor merchandise) which do not require annual renewal. Annual renewal applications must be submitted by June 30th or else will be considered expired.

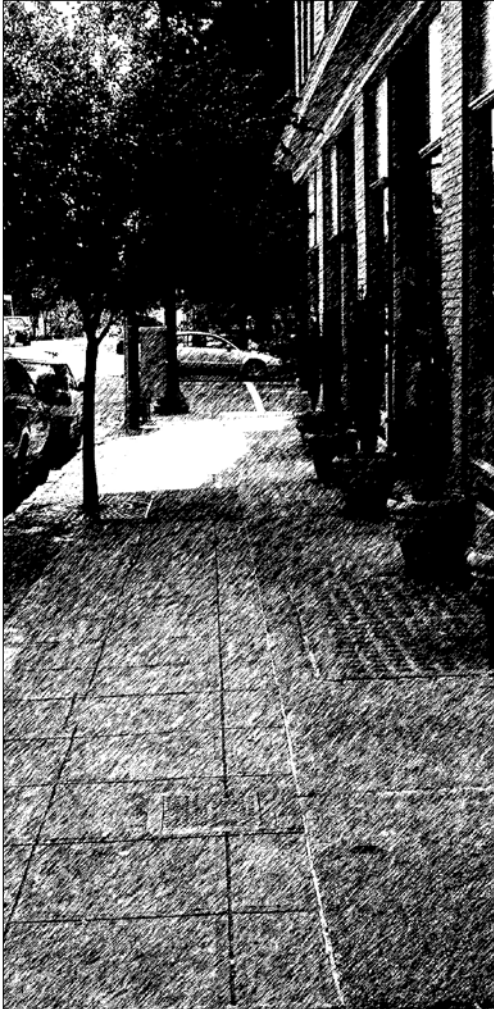
All issued permits are location-specific (except for street performers). If within a given year of receiving permit, the applicant desires to change location, an application will have to be resubmitted for the new location. However, fees will be waived if the issued permit is still valid during the time of resubmittal. Multiple permit requests for one qualifying location are allocated on a first-come, first-served basis. The time of submittal of the complete application is given priority. Applicants must also reapply whenever the nature of use, ownership, scope, or location of the permitted uses change. The permit holder is responsible for ensuring the proper validity and timely renewal of permits as required for the approved use of public spaces.

During special events approved by the City such as festivals, parades etc. the annual permits may be temporarily suspended for pushcart vendors and street performers. The permit holder requires special permission from the special event coordinator/ sponsor to use the public space within the designated boundary of the special event area. The standards of performance and procedures for use of public space during special events may vary. The permit holder is responsible for keeping track of upcoming special events and the designated boundaries that may affect their business. For more details on Downtown Special Events, please contact the Downtown Raleigh Alliance at 832-1231. All latest information on downtown events can be tracked at the following website:

<http://www.godowntownraleigh.com/>

At the time of submittal of permit applications, applicants are also encouraged to provide contact email addresses that will be added to a list serve created for permit holders. The Downtown Permits Office maintains record of all permits including contact information.





Maintenance Liability

Any private party receiving a permit for use of public space assumes responsibility for maintaining the spaces used by that activity. Areas must be kept clean and free of obstructions that impede pedestrian movement. Standards of maintenance must be consistent with those outlined in the City of Raleigh publication ***Fayetteville Street Renaissance Maintenance Partnership, Programs and Policies*** (see *Appendix Section 4*). The permit holder is liable for all damages and repairs to the streetscape, trees and vegetation, sidewalks, streets, or other public amenities that directly relate to the use of the permitted space. The permit holder is also responsible for the temporary removal of private materials or accessories from the permitted space for specific maintenance services deemed necessary by the responsible City Department, Division, or Agency. The Downtown Raleigh Alliance notifies permit holders via email at least 24 hours in advance of event related street closures approved through City Council.

Referrals to Encroachment Committee and Appeals

The Downtown Permit Office (DPO) coordinates the review of all permit requests outlined in this handbook. However, for a particularly complex permit request, or one of a potentially precedent-setting nature, the DPO staff may forward the request to the City's inter-departmental **Encroachment Committee** for expedited review. The DPO will inform the applicant of such finding at the earliest possible date, and assist in scheduling the request before the Committee. The Encroachment Committee meets the first and third Mondays of each month. The submittal deadline for the Committee agenda is generally two weeks before the meeting date (contact 516-2559 for additional details).

Additionally, if DPO staff members determine they cannot approve a given permit request, the applicant can elect to appeal that decision to the Encroachment Committee. If the Encroachment Committee denies the permit request, the decision may be appealed to the City Council through a Petition of Citizen. Details on filing Citizen Petitions can be obtained from the City Clerk's office by contacting 890-3040.

Violations

All permit holders are expected to adhere to the location, design, operation, and maintenance standards and procedures outlined in this handbook. Non-compliance with respective standards and procedures is a violation. The City of Raleigh Inspections Department notifies permit holders of violations.

Fines and Revocation

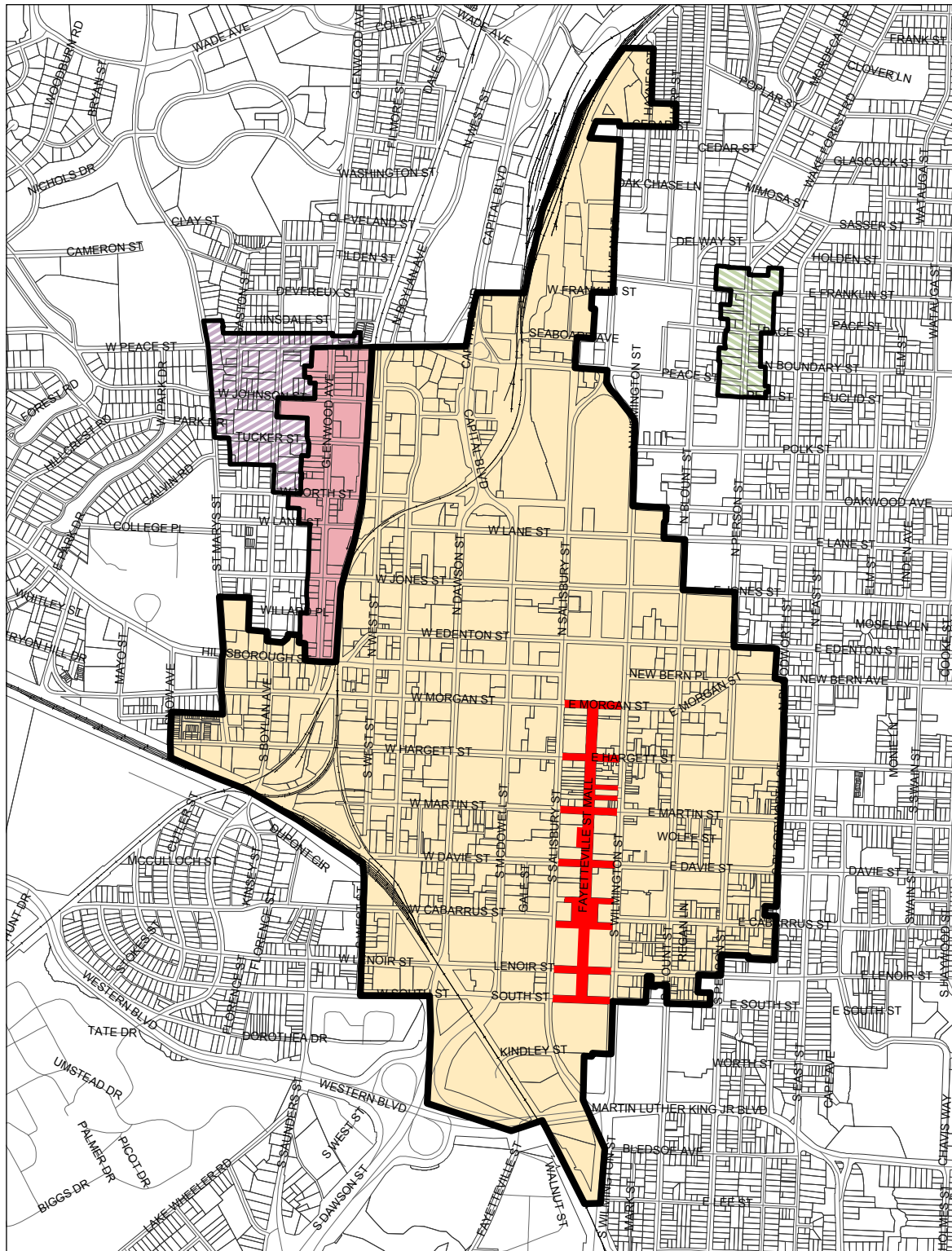
Upon receiving a violation notice from the Inspections Department, permit holders are expected to remedy the violation within the time period specified in the notice. However, if the violations are not remedied within the time granted, violators may be subject to fines and possible permit revocation. Once permits are revoked, the permit holder is required to reapply for further consideration.

Revocation Criteria

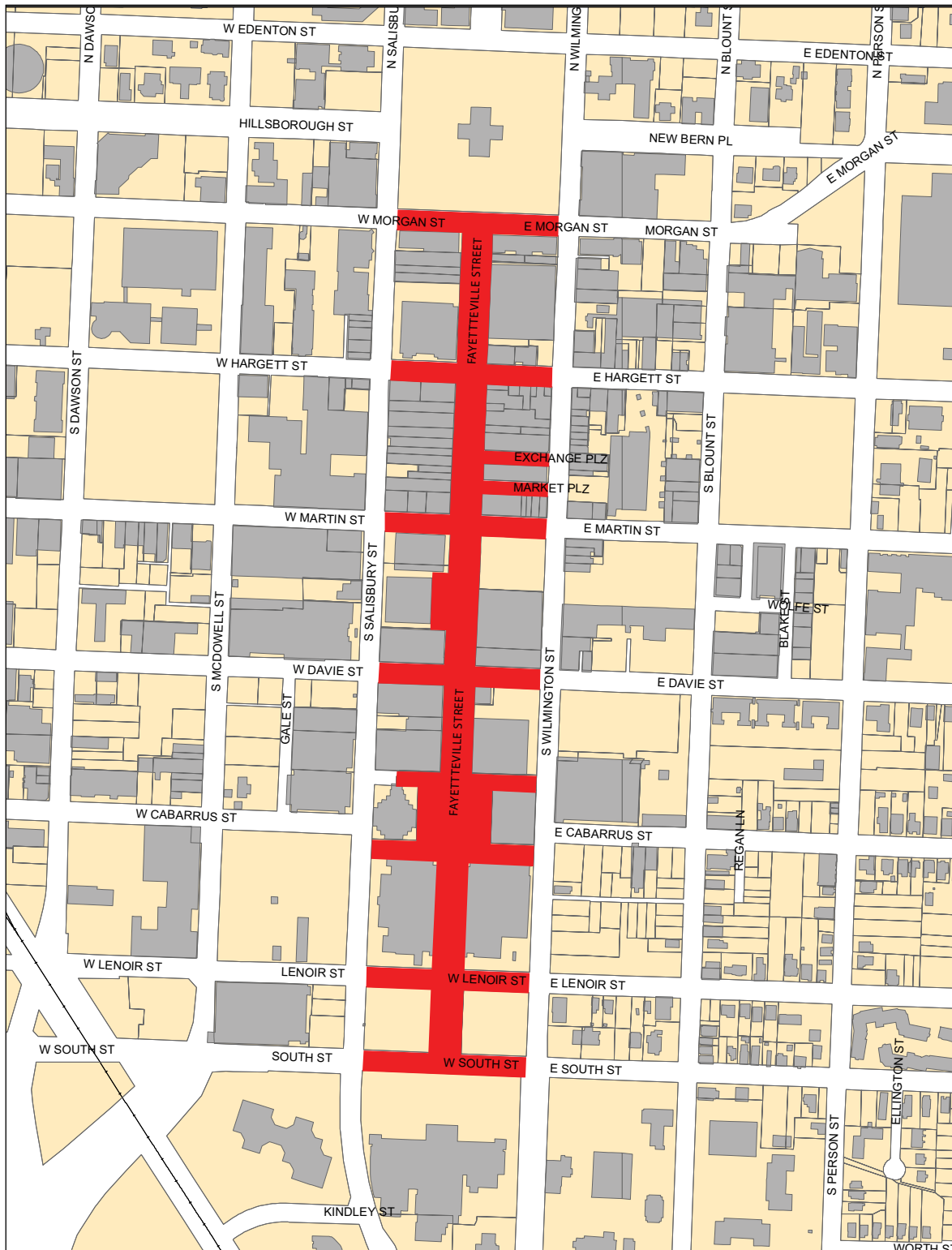
Permits can also be revoked if any of the following occurs:

- permit holder fails to maintain initial qualifications,
- data or information is falsely represented in the application,
- violation of the Local, State and Federal health regulations,
- conducts business in an unlawful manner or in such a way that constitutes a menace or detriment to the health, safety, or welfare of the public, or
- three violations of any section of this handbook within a fiscal year.

Areas of Applicability:
Downtown Overlay District



- Downtown Overlay District
- Peace Street Business District
- Glenwood South Business District
- N. Person Street (Oakwood/Mordecai) Business District
- Area of applicability for Fayetteville Street standards (for detailed map, see next page)

*Areas of Applicability:***Fayetteville Street**

Area of applicability for Fayetteville Street standards

Please Note: For lots at corners of Salisbury and Wilmington Streets and intersecting cross-streets, the regulations apply around the corner of the intersecting street, to as deep along Salisbury or Wilmington as the edge of the individual lot for which the permit is requested.

E. DOWNTOWN PERMITS OFFICE

The Downtown Permits Office (DPO), located in the City Inspections Department, issues all public space use permits in Downtown Raleigh (see preceding maps for the applicable areas). The office assists applicants to ensure that all required forms, information, and fees are properly submitted. The Downtown Permits Office reserves the authority to determine the completeness of permit requests and their adherence to the desired performance standards and procedures. If, at any time staff determines that the request is incomplete and does not meet the desired standards and procedures, they could deny permits or add further conditions to be met as part of the permit issuance. Any Minor Encroachment permit request may be routed to the City Encroachment Committee for further review and scrutiny as deemed appropriate by the DPO or the applicant as part of an appeal (see Section I.D.3 for details). Applications are routed to other departments as needed for review, and permit data is entered, stored, and retrieved from a common database (Integrated Raleigh Information Service) that is accessible to all City departments.

I. PERMITS ADMINISTRATION

The Downtown Permits Office (DPO) serves as the chief contact point for applicants and as the coordinating agency for permit management. Various City departments and associated agencies assist the Downtown Permits Office in the permit approval process as outlined in the table below:

Department/Agency	Area of Responsibility
Downtown Permits Office	One-Stop Permits Administration and Management
Revenue Services Division	Business Licenses
Downtown Raleigh Alliance	Permit Monitoring, Public Information
Inspections Department	Downtown Permits Office, Code Enforcement, Enforcement of Civil Penalty
Police Department	Monitoring and Law Enforcement
Parks and Recreation Department	Maintenance Evaluation and Coordination
Raleigh Urban Design Center	Design Review, Facade Grants

The Downtown Permits Office is responsible for approving the specified permits and for tracking the permit status (i.e., expiration dates, validity etc.). They also periodically review the permitting process and fees, and recommend changes as needed.

Depending upon the complexity and completeness of the permit application, Downtown Permits Office staff outlines a tentative timetable for application approval. Downtown Permits Office staff also provides details about the City's [Façade Rehabilitation Grant Program](#) (see Appendix Section 6), which assists property owners with matching grants for awnings, attached signs, or other upgrades to building fronts. Facade Grant applications are administered by the Raleigh Urban Design Center (contact 807-8482 for more information).

All issued permits are location-specific. If, within a given year of receiving a permit, the applicant desires to change location, the application has to be resubmitted for the new location. However, fees will be waived if the issued permit is still valid during the time of re-submittal. Multiple permit requests for one qualifying location are allocated on a first-come, first-served basis. The time of submittal of the complete application is given priority.



2. INSPECTIONS

Permittees and their spaces are inspected by the City of Raleigh Inspections Department to ensure that permit provisions are being met. Inspections notifies permit holders of any violations.

3. MONITORING

The Downtown Raleigh Alliance (DRA) monitors compliance of street-level activities. DRA staff may issue friendly warnings and report violations to the City for code enforcement. The Parks and Recreation Department's Maintenance Division monitors and coordinates maintenance of public spaces within Downtown. The Urban Forestry Division of the City's Parks and Recreation Department oversees activities which impact city trees (pruning, removal, replacement, etc.).

4. NOTIFICATION AND ENFORCEMENT

The City Inspections Department is responsible for determining whether permit violations have occurred, and for notifying permit holders of the need to remedy those violations within the time period specified in the notice. After regular business hours (5 p.m. to 7 a.m.), the Downtown District Police Department is responsible for enforcement. Permit holders who do not comply with permit provisions within an allowed time period are subject to fines or subsequent revocation of permits.